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SUBJECT: DPP and KMT Preparing for Possible Kaohsiung Mayoral Supplemental Election

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¶11. (SBU) Summary. The Taiwan High Court Kaohsiung Branch reportedly will announce its final ruling on November 16 on Kaohsiung Mayor Chen Chu's appeal against the District Court's earlier judgment that nullified the results of the December 2006 Kaohsiung mayoral election (reftel c). While a local journalist told AIT/K he expects the High Court to deny Mayor Chen's appeal, a local attorney predicted the opposite result, and even the KMT's lawyers have indicated they are not overly optimistic about the Court upholding the nullification decision. The DPP is concerned the nullification may be upheld for reasons of political bias within the judiciary. Both the KMT and DPP are actively making preparations for a possible supplementary mayoral election. End Summary.

¶12. (SBU) The Taiwan High Court Kaohsiung Branch held its final public hearing October 15 regarding Kaohsiung Mayor Chen Chu's appeal against the first District Court ruling, which nullified the results of the December 2006 Kaohsiung mayoral election (see reftels a,b,c). The High Court reportedly will announce its final ruling on November 16. If Mayor Chen loses her appeal, a supplementary mayoral election must be held within three months. According to Ms. Pan Jui-er, a senior staff member of the Kaohsiung Election Committee (KEC), if the High Court declines Mayor Chen's appeal, KEC will begin on the same day, November 16, to prepare a supplementary mayoral election, which must be completed fully within three months.

According to Pan, two months will be needed for internal administrative preparation. One additional week is needed for posting the election announcement and ten days for accepting registrations. A November 16 announcement that upholds the nullification will not allow for the supplementary mayoral election to be held simultaneously with either the LY elections, scheduled for January 12, 2008, or with the presidential election, scheduled for March 22, 2008.

¶13. (SBU) On September 28, 2007, Central News Agency Reporter Chen Chi-feng, who attended the final public hearing on the Kaohsiung mayoral nullification lawsuit, told AIT/K he believes there is an eighty percent chance Chen Chu's appeal will be denied and a supplementary election ordered. According to Mr. Chen, the decision to uphold the nullification may revolve around alleged perjured testimony of former Kaohsiung City Government Information Office Director Hsiao Yu-cheng, then-spokesman of Chen Chu's campaign office. According to court records, Hsiao testified that Chen Chu was not informed of any of the three press conferences held by her campaign office to accuse KMT mayoral candidate Huang Chun-ying of

vote-buying. Chen Chi-feng noted that Hsiao's accounts immediately were rebutted by the KMT's lawyers who played the recording of a TV interview in which Chen Chu told the media on election day of plans for one of the press conferences about her opponent's alleged vote-buying scandal. Mr. Chen suggested that because of Hsiao's supposed attempted cover up of Chen Chu's involvement, judges may dismiss Mayor Chen's request to overturn the nullification. Chan Yuan-hsiang, former Next Magazine correspondent and executive secretary for former acting Kaohsiung Mayor Chen Chi-mai, told AIT/K

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that there is widespread speculation among local media that Chen Chu will lose the case based on the weight of the evidence presented by Huang Chun-ying's lawyers that points to perjury.

¶4. (SBU) According to the journalist Chen Chi-feng, if Chen Chu loses her appeal, she is legally prohibited from running in the supplementary election. Instead, many speculate that Chen Chi-mai would run as the DPP candidate against the KMT's Huang Chun-ying in a supplementary election. Fueling that speculation is that Kaohsiung's newly-appointed vice mayor, Lin Ren-yi, has close ties with Chen Chi-mai. [NOTE: Chen Chi-mai, who took over as Acting Mayor of Kaohsiung when Frank Hsieh left the post to become Premier in 2005, resigned in the wake of the 2005 Thai labor riots in Kaohsiung as reported in reftel D.] Chen Chi-mai's resurrection in local politics became possible only when his father, former Presidential Office Deputy Secretary-general Chen Che-nan, was absolved by a court of all corruption charges related to the Thai labor scandal.

¶5. (SBU) It is also open knowledge in Kaohsiung that the local DPP is making preparations for a supplementary mayoral election by deploying Chen Chi-mai's team players, such as the new Vice-Mayor, within the city government. Dr. Liao Da-chi, Professor of International Relations at National Sun Yat-sen University,

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indicated that the KMT is also busy preparing for the election, but doubts Huang Chun-ying can win even this time around given his lack of charisma and the negative fallout that may have come from the nullification lawsuits. Although the KMT could field a different candidate if the supplementary election is held, Lai Feng-wei, Deputy Chair of the Kaohsiung City KMT office, indicated that Huang Chun-ying still is the most qualified KMT candidate. According to Lai, not only did Huang run well in the first election, but Huang has pursued the nullification lawsuit with great conviction. Lai said that Huang himself has great interest in running and that many of Huang's supporters, including KMT officials, have urged him to run if there is a supplementary election.

¶6. (SBU) Attorney Hung Kuo-chin told AIT/K that the Kaohsiung High Court will probably reverse the first ruling, thus validating Chen Chu's election and status as current mayor. Hung noted the first District Court ruling has been criticized widely for breaching due process of law as the appointed judge's opinions were not accepted by the presiding judge (reftel b). An assistant of former KMT mayoral candidate Huang Chun-ying told AIT/K that their own lawyer(s) believe the chances of the High Court upholding the nullification decision are about fifty-fifty. Huang Chun-ying, in the meantime, he said, is keeping busy readying for the supplementary election, knowing it will require far more than three months to prepare for a full-blown mayoral election.

¶7. (SBU) Former DPP Kaohsiung City Chairman Chao Wen-nan, now a Kaohsiung City official, expressed concern that blue-leaning judges will issue a biased ruling in order to unseat the DPP in Kaohsiung. Nevertheless, he argued, a KMT win in this suit would only serve to unite and motivate DPP supporters, adversely affecting KMT hopes for the upcoming legislative and presidential elections. Chao acknowledged that former Acting Mayor Chen Chi-mai's team is now preparing for a possible supplementary mayoral election, but said they have been told by the DPP to keep a low profile.

¶8. (SBU) Comment. The final ruling on this mayoral nullification case, especially should the nullification be upheld, has the potential to become an issue in the upcoming 2008 Taiwan legislative

and presidential elections. The DPP would likely blame the result on bias in a blue-leaning judiciary, while the KMT could claim a victory over illegal DPP campaign tactics. End comment.

Thiele

Young